

TOWN BOARD MEETING/WORKSHOP December 15, 2015

A regular meeting was held on Tuesday, December 15, 2015, at 6:00 p.m. at the Kent Town Hall, 25 Sybil's Crossing, Town of Kent, New York, 10512.

Resolution #377- Open Meeting & Adjourn to Executive Session

On a motion by Supervisor Fleming

Seconded by Councilwoman Osborn

Resolved: The meeting of December 15, 2015 opened at 6:09 p.m. and immediately adjourned to executive session to discuss proposed, pending or current litigation; collective negotiations pursuant to article fourteen of the civil service law; the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.

Motion carried unanimously.

Resolution #378- Adjourn Executive Session

On a motion by Supervisor Fleming

Seconded by Councilman Denbaum

Resolved: At 7:23 p.m. Executive session adjourned, no action was taken.

Motion carried unanimously.

Workshop

The board reviewed and discussed all the items on the workshop agenda.

Public Comment

Supervisor Fleming said two of our current board members will not be sitting here in January. She said she has served with Mike Tierney and Penny Osborn for two years but has known them longer. She said it has been a privilege to serve with both on the Town Board. Some were skeptical about them working together; she said both were extremely generous in advice, information and spirit. She said we have not always agreed and been happy, but she can say Penny and Mike certainly have always been fair and have taken their jobs and responsibilities very seriously, for that she is grateful she has benefited from their experience and knowledge. It is hard to see them go, they have worked very hard for this town and owe them more than the Certificates of Appreciation that she presented them with. Councilman Tierney thanked the public for giving him the opportunity, he thanked his family for allowing his family to take the time away from them, and he especially thanked all the employees in the Town. He said they do not hear it enough from them; they made serving a lot easier than it was which he said he owes to the employees. He thanked anyone who has served on this board, sometimes you must do things that will not make everyone happy, you do not know that when you're part of the public but realize it when you sit here. He thanked everyone he served with and wished the incoming board the best of luck, because if they succeed then the town succeeds and that is why we're here. Councilwoman Osborn thanked everyone, over the past eight years she has gotten to know the employees and thinks the Town of Kent is so fortunate to have the highway, the police, the town hall employees, the library staff to have such incredible people working for the town. She said it has been a pleasure working with them, it is a job that sometimes you must make hard decisions, not everyone is happy with the decisions made, we make them because we feel it is the best for the entire town, she stands by any vote and decision that she has made. It has been a wonderful eight years and she thanked everyone saying it has been a pleasure and an honor. Councilman Denbaum thought the public should know the best indication of the type of board members Mike and Penny are is when we were at our fourth or fifth budget meeting in the third hour, there is a recorder and just us and department heads going line by line. He saw two town board members who will not be serving in 2016 who were highlighting and still working through every dollar and line. It is that type of behind the scenes dedication that sometimes goes unnoticed, it's the hard work. When he saw that it makes him realize what a good team whether we agree or not on things we have. He thanked Penny and Mike and wished them the best. Councilman Huestis said Mike has eight years of public service but he goes back to when there was a shortage of coaches and he and his wife stepped up and took charge coaching baseball teams. He has learned a lot from him, watching him in executive sessions and at town board meetings. He was a watchdog checking every voucher, coming up with points he would never even think about. He thanked him and wished him the best and a healthy retirement. He said every time he is in Town Hall, Penny Osborn is there signing vouchers or talking with employees going over issues. She puts in a lot of hours and appreciates that. He sees the time and effort and for the most agrees with them most of the times. He said the entire board is for the improvement and better for the Town of Kent and taxpayers. We know we need commercial development and must keep on pressing along. He

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said the two board members leaving are tops and thanked them very much. Mr. Ulich thanked Penny and Mike for their service wishing them the best for the future.

Pledge of Allegiance – At 7:55 p.m. the Supervisor called the meeting to order with Salute to the Flag.

Roll Call

Supervisor Maureen Fleming – present Councilman Paul Denbaum – present
Councilwoman Penny Osborn – present Councilman Bill Huestis – present
Councilman Mike Tierney – present

Also Present: Town Clerk Yolanda “Lana” Cappelli, Town Counsel Nancy Tagliaferro of Hogan & Rossi, Police Chief Alex DiVernieri, Building Inspector Bill Walters, and Director of Finance Michele Summers.

Resolution #379 – Approve Budget Adjustments Fiscal Year 2015

On a motion by Councilman Denbaum

Seconded by Councilwoman Osborn

WHEREAS, the Finance Department has recommended certain budgetary transfers in order to adjust appropriations in Fire District #2, Sanitation, Water District #2, the Highway Department and the General Fund, as set forth in summary annexed hereto and incorporated herein by reference; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby accepts the recommendations of the Finance Department and authorizes the budget transfers as set forth on the annexed summary.

Motion carried unanimously.

Resolution #380 – Establishing Bank Account for Ballard Cemetery

On a motion by Councilman Denbaum

Seconded by Councilman Tierney

WHEREAS, the Town of Kent Finance Department wishes to open a bank account for the funds related to Ballard Cemetery; and

WHEREAS, Michelle Summers, the Director of Finance has recommended that an account be opened under the title “Town of Kent-Ballard Cemetery”; and

WHEREAS, the Town Board wishes to accept the recommendation of Michelle Summers and authorize an account to be opened under the title “Town of Kent-Ballard Cemetery”;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby accepts the recommendation of the Finance Department and authorizes the establishment of a bank account under the title “Town of Kent-Ballard Cemetery”.

Motion carried unanimously.

Resolution # 381 - Approve Hiring of Police Officers

On a motion by Councilman Denbaum

Seconded by Supervisor Fleming

WHEREAS, there are currently two vacancies in the Town of Kent Police Department for police officers; and

WHEREAS, by letter dated December 11, 2015 to the Town Board, Chief of Police Alexander W. DiVernieri, Jr. has recommended appointment of Angel J. Rivera and Steven D. Gasparrini, both of whom are Kent residents and are currently employed by the Town of Kent Highway Department, to fill these positions; and

WHEREAS, Chief DiVernieri, advises that background checks have been conducted on both Mr. Rivera and Mr. Gasparrini, and they are both eligible on the civil service list; and

WHEREAS, a new police academy begins in January, which Mr. Rivera and Mr. Gasparrini would attend for their police training; and

WHEREAS, the Town Board wishes to accept the recommendations of the Chief of Police;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby appoints Angel J. Rivera and Steven D. Gasparrini as police officers in the Town of Kent Police Department, effective December 31, 2015; and it is

FURTHER RESOLVED, that the appointments of Mr. Rivera and Mr. Gasparrini are contingent upon the passing of any further civil service requirements.

The board took a poll vote as follows:

Councilman Denbaum – aye

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Councilwoman Osborn – aye, she is very proud, she know Steven Gasparrini for a number of years, she does not know Angel quite as well, but she thinks they are going to be huge assets and very proud of both of them.

Councilman Huestis - aye

Councilman Tierney – aye

Supervisor Fleming – aye

Motion carried unanimously.

Resolution #382 – Hire Park Maintenance Worker – Recreation Department

On a motion by Councilman Denbaum

Seconded by Supervisor Fleming

WHEREAS, the Town of Kent is seeking to fill a Park Maintenance Worker position; and

WHEREAS, the Director of Recreation has recommended hiring Kyle Ulich to fill the positions;

and

WHEREAS, the Town Board believes it to be in the best interests of the Town to accept the Director's recommendation; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes the hiring of Kyle Ulich as Park Maintenance Workers commencing December 31, 2015 and;

BE IT FURTHER RESOLVED, that the Town Board of the Town of Kent hereby authorizes the Supervisor to execute any and all documents necessary to give effect to this resolution.

The board took a poll vote as follows:

Councilman Denbaum – aye

Councilwoman Osborn – aye

Councilman Huestis - aye

Councilman Tierney – abstained

Supervisor Fleming – aye

Motion carried.

Resolution #383 – Hire Start Smart Basketball Assistants – Recreation Department

On a motion by Councilman Denbaum

Seconded by Supervisor Fleming

WHEREAS, the Town of Kent is seeking to fill seasonal positions as Assistants in the Start Smart Basketball program; and

WHEREAS, the Director of Recreation has recommended hiring Brian Sposato and Brennan McIntyre to fill the positions; and

WHEREAS, the Town Board believes it to be in the best interests of the Town to accept the Director's recommendations;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes the hiring of Brian Sposato and Brennan McIntyre as assistants to the Start Smart Basketball Program for the Recreation Department at a rate of \$140 for the season; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Kent hereby authorizes the Supervisor to execute any and all documents necessary to give effect to this resolution.

Motion carried unanimously

Resolution #384– Hire Basketball Scorekeepers – Recreation Department

On a motion by Councilwoman Osborn

Seconded by Supervisor Fleming

WHEREAS, the Town of Kent is seeking to fill seasonal positions as Scorekeepers in the Youth Basketball program; and

WHEREAS, the Director of Recreation has recommended hiring Brian Sposato, Brennan McIntyre, Mike Mendes and Anthony Ardizone to fill the positions; and

WHEREAS, the Town Board believes it to be in the best interests of the Town to accept the Director's recommendations; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes the hiring of Brian Sposato, Brennan McIntyre, Mike Mendes and Anthony Ardizone as scorekeepers of the Youth Basketball Program for the Recreation Department at a rate of \$9 per game for Minor or Junior Division games or \$10 per game for Senior or Adult Division games; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Kent hereby authorizes the Supervisor to execute any and all documents necessary to give effect to this resolution.

Motion carried unanimously.

Resolution #385 - Transfer Park Worker from Recreation to Lake Carmel Sanitation

On a motion by Councilwoman Osborn

Seconded by Councilman Tierney

WHEREAS, the Town of Kent is seeking to fill a position in the Lake Carmel Sanitation Department; and

WHEREAS, Adam Pawloski is currently employed by the Department of Recreation and has expressed an interest in transferring to the Lake Carmel Sanitation Department; and

WHEREAS, the transfer is a lateral transfer;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes the lateral transfer of Adam Pawloski from the Recreation Department to the Lake Carmel Sanitation Department effective December 31, 2015, and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Kent hereby authorizes the Supervisor to execute any and all documents necessary to give effect to this resolution.

Motion carried unanimously.

Resolution #386- Contract with Calculated Fire Protection Co., Inc.

On a motion by Councilwoman Osborn

Seconded by Supervisor Fleming and Councilman Huestis

WHEREAS, the Town of Kent received an inspection report from Calculated Fire Protection Co., Inc. made recommendations for the draining, flushing and recharging of the antifreeze systems in the Town Hall, Town Library, Police Station and Water Room to prevent the clogging of the sprinkler pipes; and

WHEREAS, Calculated Fire Protection Co., Inc. has provided a proposal for such services to be performed at the same time for a cost of \$3,400 plus the cost of \$1,250 for the internal obstruction investigation and any applicable tax; and

WHEREAS, the Town Board believes it to be in the best interests of the Town to accept the proposal of Calculated Fire Protection Co. Inc. and authorize the payment of the requested cost.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby accepts the proposal of Calculated Fire Protection Co., Inc. for the cost of \$3,400 plus the cost of \$1,250 for the internal obstruction investigation and any applicable tax; and

BE IT FURTHER RESOLVED, that the Town Supervisor is hereby authorized and directed to execute any and all agreements and other documents necessary to give effect to this Resolution, consistent with the terms hereof, all in form satisfactory to the Supervisor and the Town Attorney.

Motion carried unanimously.

Resolution # 387 - Authorization to Sell Vehicles to Salvage Yard

On a motion by Councilman Tierney

Seconded by Supervisor Fleming

WHEREAS, Nicholas Mancuso, the Service Manager of the Town of Kent Municipal Repairs recommends that certain vehicles are no longer road worthy and should be sold to a salvage yard for their value in weight; and

WHEREAS, the vehicles are identified as a 2005 Chevy Impala Vin Number 2G1WF55K959340432, a 2008 Chevy Impala Vin Number 2G1WS553981271007, and a 2003 Ford Crown Vic Vin Number 2FAFP71W73X140544 (the "Vehicles"); and

WHEREAS, the Town Board of the Town of Kent wishes to authorize Municipal Repairs to sell the Vehicles for their value in weight to a local salvage yard.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent, authorizes Municipal Repairs to sell to a salvage yard for their value in weight the 2005 Chevy Impala VIN Number 2G1WF55K959340432, the 2008 Chevy Impala VIN Number 2G1WS553981271007, and the 2003 Ford Crown Vic VIN Number 2FAFP71W73X140544.

Motion carried unanimously

Resolution #388 -Accept Resignation of Assessor & Advertise for Position

On a motion by Councilman Tierney

Seconded by Supervisor Fleming

WHEREAS, the Town of Kent wishes to accept the resignation of Gary Edward Link as Town Assessor with regret, effective January 3, 2016; and

WHEREAS, the Town of Kent wishes to advertise for applications to fill the position of Town Assessor; and

WHEREAS, the Town Board of the Town of Kent wishes to authorize its Town Clerk, Yolanda D. Cappelli, to advertise for applications for Town Assessor;

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NOW, THEREFORE, BE IT RESOLVED, that the Town Board accepts the resignation of Gary Edward Link as Town Assessor; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Kent hereby authorizes its Town Clerk, Yolanda D. Cappelli, to advertise for applications for the position of Town Assessor.

The board took a poll vote as follows:

Councilman Denbaum – aye

Councilwoman Osborn – aye with huge regrets, Gary Link was such a huge asset to this Town, she appreciates everything he taught her. His door was always open; we were very fortunate to have him and are going to miss him very much.

Councilman Huestis - aye

Councilman Tierney –aye

Supervisor Fleming – wishes if we voted no we could prevent him from resigning, but that is not the case, he will be missed and voted -aye

Motion carried

Motion carried unanimously

Resolution #389 – Accept Resignation of Town Historian & Authorizing Advertising for Position

On a motion by Councilman Tierney

Seconded by Councilman Huestis

WHEREAS, the Town of Kent wishes to accept the resignation of Milissa Boyer Kafes as Town Historian effective December 31, 2015; and

WHEREAS, the Town of Kent wishes to advertise for applications to fill the position of Town Historian; and

WHEREAS, the Town Board of the Town of Kent wishes to authorize its Town Clerk, Yolanda D. Cappelli, to advertise for applications for Town Historian;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board accepts the resignation of Milissa Boyer Kafes as Town Historian; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Kent hereby authorizes its Town Clerk, Yolanda D. Cappelli, to advertise for applications for the position of Town Historian.

Motion carried unanimously

Resolution #390 – Hiring of Records Management Clerk

On a motion by Councilman Tierney

Seconded by Supervisor Fleming

WHEREAS, the Town of Kent wishes to fill the vacant position formerly held by Ms. Light Behr; and;

WHEREAS, the Town of Kent has received the application of Susan Filardi to fill the position of Town Records Management Clerk; and

WHEREAS, the Town of Kent desires to hire Susan Filardi as Town Records Management Clerk effective as of December 16, 2015.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board accepts that Susan Filardi be hired as Town Records Management Clerk at a salary of \$12.00 per hour; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Kent hereby authorizes and directs the Supervisor to execute any and all documents necessary to give effect to this resolution, consistent with the terms hereof and in such form as is satisfactory to the Town Supervisor and the Town Attorney. Motion Carried unanimously

Resolution #391 – Accept Insurance Proposal

On a motion by Councilman Tierney

Seconded by Councilwoman Osborn

WHEREAS, the Town of Kent wishes to obtain Workman Compensation Insurance; and

WHEREAS, the Town received proposals for Workman Compensation Insurance and wishes to accept the proposal of Spain Agency, for the NYS Worker's Compensation Alliance to provide such insurance; and

WHEREAS, the Town Board believes it to be in the best interests of the Town to accept the proposal of Spain Agency, for NYS Worker's Compensation Alliance and authorizes the payment of the requested premium;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby accepts the proposal of Spain Agency, NYS Worker's Compensation Alliance to provide Workman Compensation Insurance for an annual premium of \$387,380.00.

Motion carried unanimously

Resolution #392 - Add to Agenda

On a motion by Supervisor Fleming

Seconded by Councilman Tierney

Resolved: To approve additional language submitted for the Kent Police Dispatcher contract previously approved by the Town Board and to approve a settlement for a tax certiorari proceeding were added to the agenda.

Motion carried unanimously

Resolution #393 - Additional Language to Town of Kent Dispatcher Contract

On a motion by Supervisor Fleming

Seconded by Councilman Huestis

Resolved: The following additional language to the Town of Kent Dispatcher Contract to be added to Article XIII, Section E; this option does not alter change, nullify or modify Section B of this Article and a member who does not elect to change plans may change back at a later date, was accepted by the Kent Town Board.

Motion carried unanimously.

Resolution #394 - Authorize Town Attorney to Execute Consent Judgment

On a motion by Supervisor Fleming

Seconded by Councilman Huestis

WHEREAS, tax certiorari proceedings were brought on behalf of MARIGRACE BLANKS, WAYNE RYDER and DEAN RYDER, individually and as Trustees of THE ESTATE OF LELAND RYDER TRUSTS, for the tax years 2011, 2012, 2013, and 2014 affecting certain parcels of real property designated as Tax Map Nos. 10-2-63, 10-2-62, 10-1-26, 10-1-22, 10-1-23, 10-1-25, 10-2-59, 10-2-58, and 10-1-27 of the Assessment Map of the Town of Kent; and

WHEREAS, the parties have agreed to settle the tax certiorari proceedings in accordance with the attached Consent Judgment prepared by MARIEL D. GIL, ESQ., attorney for the Petitioners; and

WHEREAS, the Town Board of the Town of Kent wishes to authorize its town counsel, Timothy J. Curtiss, Esq., to sign said Consent Judgment on behalf of the Town of Kent.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes its counsel, Timothy J. Curtiss, Esq., to sign the Consent Judgment on behalf of the Town of Kent.

Motion carried unanimously

Resolution #395 - Vouchers and Claims

On a motion by Councilman Huestis

Seconded by Supervisor Fleming

Resolved: All Vouchers #200135861 -#200135973 and claims submitted by:

Clark Equipment Co.	\$5,563.60	Brushcat
Chemung Supply	\$9,504.00	Guiderails
Kent Senior Citizens	\$4,962.00	Trips
NYCOMCO	\$2,622.00	2 Way Radio: Police
NYS Dept. of Civil Service	\$188,262.92	Health Insurance
Royal Carting	\$4,661.17	Recycling Garbage
Spain Agency	\$69,099.87	Insurance Installment
Tire Buys	\$2,187.52	Tires
Town of Kent Municipal Repairs	\$3,356.43	Chargebacks: Police
	\$22,269.80	Chargebacks: Sanitation
	\$7,124.10	Chargebacks: Highway
	\$8,262.98	Chargebacks: Sanitation
Windstream	\$3,663.41	Telephone Service

In the amount of \$340,114.36 may be paid

Correspondence

List attached

Public Comment

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Police Chief DiVernieri said he didn't have any certificates to offer Penny and Mike but wanted to express his gratitude for their support of the police department over the years. We didn't necessarily agree on everything but you have always been fair in the decisions that were made and personally wanted to say thank you and good luck.

Resolution #396 - Adjournment

On a motion by Councilman Huestis

Seconded by Councilman Tierney

Resolved: The Town Board meeting of December 15, 2015 adjourned at 8:20 p.m.

Motion carried unanimously

Respectfully submitted,

Yolanda D. Cappelli